

**REMARKS/ARGUMENTS**

Reconsideration and withdrawal of the rejections of the application are respectfully requested in view of the remarks herewith.

Claims 1, 2 and 4-19 are pending. Claims 1, 2, 9-12 and 17-19 are independent.

Claims 12 and 17-19 are hereby amended, thereby obviating the rejections under 35 USC §112.

Claims 1-2, 4, 5, 7-13 and 15-19 were rejected under 35 U.S.C. §103(a) as allegedly unpatentable over U.S. Patent Publication No. 2002/0041602 A1 to Kageyama (hereinafter, merely “Kageyama”) in view of U.S. Patent No. 5,600,663 to Ayanoglu et al. (hereinafter, merely “Ayanoglu”).

Claims 6 and 14 were rejected under 35 U.S.C. §103(a) as allegedly unpatentable over Kageyama in view of Ayanoglu, further in view of U.S. Patent No. 7,287,201 to Nagai et al. (hereinafter, merely “Nagai”).

Kageyama is disqualified as §103 prior art to the present application under the provisions of 35 U.S.C. §103(c). Under the provisions of 35 U.S.C. §103(c), as amended on November 29, 1999, subject matter developed by another person, which qualifies as prior art only under one of more of subsections (e), (f) and (g) of 35 U.S.C. §102, shall not preclude patentability under §103 where the subject matter and the claimed invention were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person or organization.

Kageyama is prior art only under 35 U.S.C. §102(e) because the present application is entitled to a priority date of April 5, 2002 of JP2002-103787. Applicant submits herewith a Certified English Translation to substantiate the claim to priority. Thus, the effective

filing date of the present application is April 5, 2002, which is prior to the publication date of Kageyama of April 11, 2002. Therefore, Kageyama is not prior art under 35 U.S.C. § 112(a); but is only prior art under 35 U.S.C § 102(e).

Kageyama and the present application were, at the time the present invention was made, subject to an obligation of assignment to the same organization, i.e., Sony Corporation. Such obligation is evidenced by the recording of assignment documents in the U.S. Patent and Trademark Office.

Accordingly, Kageyama is disqualified as prior art in a rejection under 35 U.S.C. §103(a); and thus all of the outstanding rejections based upon Kageyama in the above-noted Office Action are overcome.

Therefore, Applicant submits that the pending claims are patentable.


### **CONCLUSION**

Please charge any additional fees that may be needed, and credit any overpayment, to our Deposit Account No. 50-0320.

In view of the foregoing amendments and remarks, it is believed that all of the claims in this application are patentable and Applicant respectfully requests early passage to issue of the present application.

Respectfully submitted,

FROMMER LAWRENCE & HAUG LLP  
Attorneys for Applicant

By   
Thomas F. Presson  
Reg. No. 41,442  
(212) 588-0800